

REMARKS

The Examiner's Office Action of January 14, 2005 has been received and its contents reviewed. Applicants would like to thank the Examiner for the consideration given to the above-identified application, and for indicating the allowance of claims 21-26.

By the above actions, claims 1-3, 6-8, 10-14 and 20 have been amended. Accordingly, claims 1-26 are pending for consideration, of which claims 1, 3, and 8, 21-23 and 25 are independent. In view of these actions and the following remarks, reconsideration of this application is now requested.

Referring now to the detailed Office Action, the drawings are objected to as failing to comply with 37 CFR 1.84(p)(5). According to the Examiner, Figure 6 should be designated by a legend such as --Prior Art--, and Fig. 1 should include reference numerals 1, 2a, 2b and 2c. In response, Applicants submit herewith Replacement Sheets for Figs. 1 and 6 with the above-listed informalities corrected. Support for the amendment of FIG. 1 is found on, e.g., page 13, lines 2-11 of the specification.

Claims 1-4, 6, 8, 11-14 and 18-20 stand rejected under 35 U.S.C. §102(a) as anticipated by the acknowledged prior art (hereafter APA) as shown in Figure 6 of the present application. Further, claims 5, 9 and 10 stand rejected under 35 U.S.C. §103(a) as unpatentable over APA as applied to claims 3 and 8. Still further, claim 7 stands rejected under 35 U.S.C. §103(a) as unpatentable over APA as applied to claim 3, and further in view of Yamazaki et al. (U.S. Publication No. 2004/0029338 – hereafter Yamazaki). Finally, claims 15-18 stand rejected under 35 U.S.C. §103(a) as unpatentable over APA, as applied to claims 12-14, and further in view of Hamada et al. (US 2003/0203545 – hereafter Hamada).

In response to the §102(a) rejection of independent claims 1, 3 and 8, Applicants have amended independent claims 1, 3 and 8, as shown above, to further recite the additional limitations, such as a first insulating film, a first wiring, a second insulating film and a second wiring in the peripheral circuit region, in order to further distinguish the present invention over APA. Support for these limitations can be found on, e.g., page 15, line 24 to page 18, line 24, page 28, lines 3-13 and FIG. 5. Applicants respectfully assert that APA, i.e., FIG. 6 and its description on page 2 of the present application, and the recited references, fail to teach, disclose or suggest the amended features in combination with the remaining cited limitations in the amended claims 1, 3 and 8.

The §102(a) rejection of the dependent claims 2, 4, 6, 11-14 and 18-20 is also overcome by the amendment to their respective independent claims 1, 3 and 8. Consequently, since each and every feature of the present claims is not taught (and is not inherent) in the teachings of APA, as is required by MPEP Chapter 2131 in order to establish anticipation, the rejection of claims 1-4, 6, 8, 11-14 and 18-20, under 35 U.S.C. §102(a) rejection, as anticipated by APA, is improper.

With respect to the Examiner's assertion that the terms "short distance" and "long distance" are merely a label, Applicants respectfully note that these terms are not merely labels but have significance as relative terms. For example, the "short distance" wiring formed over the first insulating film is distinguished from the "wiring" formed over the second insulating film, as recited in amended claim 3. Likewise, "long distance" wiring formed over the second insulating film is distinguished from the "wiring" formed over first insulating film, as recited in amended claim 8, for example.

Further, although the Examiner did not make a §112, second paragraph rejection, Applicants respectfully note that, according to MPEP §2111.02 (III), Applicants may be their own lexicographer. Still further, Applicants respectfully direct the Examiner to MPEP 2173.02 (page 2100-194, August 2001 version), wherein it is stated that definiteness of claim language must be analyzed, not in a vacuum, but in light of:

- (A) The content of the particular application disclosure;
- (B) The teaching of the prior art; and
- (C) The claim interpretation that would be given one possessing the ordinary level of skill in the pertinent art at the time the invention was made.

Applicants respectfully further direct the Examiner to MPEP 2173.05(b) (page 2100-196, August 2001 version) which states that the fact that claim language, including terms of degree, may not be precise, does not automatically render the claim indefinite under 35 U.S.C. § 112, second paragraph, and that acceptability of the claim language depends on whether one of ordinary skill in the art would understand what is claimed, in light of the specification.

The meaning of "short distance" is amply supported in the specification (e.g., page 17, lines 2-8), as well as in, e.g., claims 4, 5, 6 and 10. The meaning of "long distance" is also amply supported in the specification (e.g., page 18, lines 7-22, as well as in claim 9, for

example.

Regarding the §103(a) rejection of claims 5, 7, 9, 10 and 15-18, the amendments to independent claims 1, 3 and 8 and the arguments set forth above in relation to the §102(a) are also applicable. That is, the amendments and arguments in response to the §102(a) rejection are deemed sufficient to overcome §103(a) rejections, Applicants reserve the right to address each and every §103(a) rejection in the future, if necessary.

Notwithstanding the statement above, Applicants respectfully submit that the mere fact that the prior art may be modified to reflect features of the claimed invention does not make the modification, and hence the claimed invention obvious, unless the desirability of such modification is suggested by the prior art itself (MPEP §2141). With respect to Applicants' claimed feature of the range of short and long distance wirings, the Examiner's reliance on the standard statement that "general conditions of a claim are disclosed in the prior art discovering the optimum or working ranges involves only routine skill in the art" is merely conclusive and, hence, improper.

In view of the amendments and arguments set forth above, Applicants respectfully requests reconsideration and withdrawal of all the pending rejections.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with Applicants' representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

Respectfully submitted,



Luan C. Do
Registration No. 38,434

NIXON PEABODY LLP
Suite 900, 401 9th Street, N.W.
Washington, D.C. 20004-2128
(202) 585-8000

IN THE DRAWINGS:

The attached sheets of drawings includes changes to Figs. 1 and 6. These sheets replace the original sheets.